

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Development of Operational,)
Technical, and Spectrum Requirements)
for Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements Through the Year 2010)

WT Docket No. 96-86

Establishment of Rules and Requirements)
For Priority Access Service)

**COMMENTS OF MOTOROLA IN SUPPORT OF THE PETITION OF THE
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL
FOR FURTHER RULEMAKING**

Motorola, Inc. ("Motorola") hereby submits these comments in support of the Petition for Further Rulemaking filed by the National Public Safety Telecommunications Council (NPSTC) to allocate spectrum in the 138-144 MHz band for public safety use ("*NPSTC Petition*").¹ Motorola agrees that the identified VHF spectrum is uniquely capable of satisfying interoperability needs of public safety users operating below 512 MHz while also providing necessary additional capacity for day-to-day public safety communications. Motorola urges the FCC to initiate efforts to allocate this band for public safety in lieu of additional auctions for undefined commercial services.

As the FCC is well aware, the communications needs of public safety agencies were thoroughly reviewed and detailed by the Public Safety Wireless Advisory Committee (PSWAC).

¹ See Public Notice, Report 2276, May 13, 1998.

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One of the key recommendations from this committee was the immediate allocation of 2.5 MHz of spectrum to enhance interoperability among users in the VHF and UHF bands between 138 MHz and 512 MHz.² The 3 MHz of spectrum in the 138-144 MHz band that has been identified by the NTIA as available for reallocation to non-government operations,³ is ideal to satisfy this requirement. Being immediately adjacent to existing Federal and local government public safety allocations, it offers users the benefit of expanding the functionality of existing systems using available technologies. Further, VHF propagation characteristics will enhance the coordination of mutual aid public safety activities over wide areas with only minimal investments in additional infrastructure. Given that no other band below 512 MHz appears so readily available to meet this public safety need, the Commission must act to implement this allocation.

Even beyond the need for greater interoperability, however, the allocation of this band for public safety use should also satisfy day-to-day communications requirements as well. In many parts of the country, VHF operations form the backbone infrastructure for wide area police activities. Given the imbedded investment in these systems, as well as the desirable propagation characteristics offered by VHF operations, such systems will not - and can not - be abandoned simply due to the allocation of new UHF spectrum at 746-806 MHz. With the current levels of congestion in many parts of the country, it is necessary to enhance their capacity through new allocations and the 138-144 MHz band is well suited for that purpose.

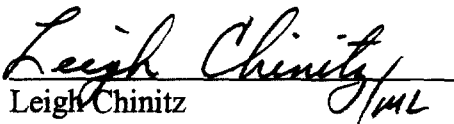
² *Final Report of the Public Safety Wireless Advisory Committee*, September 11, 1996, at 22.

³ *Spectrum Reallocation Report, Response to Title III of the Balanced Budget Act of 1997*, NTIA Special Publication 98-36, February, 1998.

Motorola recognizes that, according to the *Balanced Budget Act of 1997*, the FCC is obligated to auction the spectrum identified by the NTIA that is available for reallocation. Of course, that same legislation prohibits the FCC from auctioning public safety licenses. As noted in the *NPSTC Petition*, however, the FCC has a dual obligation of also considering the needs of existing public safety radio services when making frequency bands available for competitive bidding.⁴ In this particular instance, Motorola believes that this latter responsibility impels the FCC to seek additional Congressional guidance in the future use of the 138-144 MHz band that is so clearly suited for public safety applications.

In conclusion, Motorola supports the efforts of NPSTC to seek additional spectrum allocations for public safety consistent with the recommendations of the *PSWAC Final Report*. The FCC, in cooperation with representatives of the public safety user community, should therefore proceed to acquire the necessary Congressional direction to implement the reallocation of the 138-144 MHz bands for public safety use.

Respectfully Submitted,


Leigh Chinitz
Manager, Telecommunications Strategy
Motorola, Inc.
1350 Eye Street, NW
Washington, DC 20005
(202) 371-6900

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⁴ *NPSTC Petition* at 3.